

ORDINANCE NO. 344

AN ORDINANCE CREATING AN IMPROVEMENT DISTRICT IN THE CITY OF LAS ANIMAS, COLORADO, TO BE KNOWN AS LAS ANIMAS CURB AND GUTTER SPECIAL IMPROVEMENT DISTRICT, ORDERING THE CONSTRUCTION THEREIN OF CURB, GUTTER AND DRAINAGE IMPROVEMENTS, PROVIDING FOR THE ISSUANCE OF BONDS OF THE DISTRICT IN PAYMENT FOR SAID IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Las Animas, Colorado, pursuant to the provisions of Article 2, Chapter 83, Colorado Revised Statutes 1953, and upon the requisite petitions subscribed by the owners of a majority of the frontage to be assessed for the local improvements hereinafter described, hereby finds and determines that there exists a necessity for the creation of Las Animas Curb and Gutter Special Improvement District, in said City, and the construction therein of certain curb, gutter and drainage improvements, as described in said petitions; and

WHEREAS, the City Council has heretofore directed the City Engineer to prepare plans, specifications, maps and schedules in accordance with said Article 2; and

WHEREAS, the City Engineer has made his report in the premises, and has filed with the Clerk of said City all the maps and certificates of his survey, as well as schedules, plans specifications, approximations of cost, and all other matters and things in complete form and substance as by law required; and

WHEREAS, the said report so made and filed, together with details, specifications, estimates, maps and schedules, are hereby approved and adopted by said City Council; and

WHEREAS, the City Council directed the City Clerk to publish in the Bent County Democrat, a newspaper of general circulation in said City, notice of a proposition to create said District, and that on July 9th, 1962, at 8:00 o'clock p.m., all complaints and objections that might be made in writing concerning the proposed improvements by the owner or owners of any real estate to be assessed, or any person or persons interested generally, would be heard and determined by the City Council of said City, before final action of said Council thereon and that after the determination of all complaints and objections was made, said City Council would take up and consider an ordinance creating said District and ordering the proposed improvements and

WHEREAS, the City Clerk, by advertisement for a period of more than twenty (20) days prior to the said 9th day of July, 1962, gave notice in form and substance of the matters and things above mentioned as ordered to be given, in all respects in accordance with law and said order; and

WHEREAS, at the time and place specified in said Notice the City Council met in open session for the purpose of hearing any objections or protests that might be made against said improvements; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO, THAT:

Section 1. Said improvements hereinafter described and referred to, consisting of curb, gutter and drainage improvements, all as in the petitions for said improvements set forth and described, were duly ordered after Notice duly given and hearing duly held, and that the petitions were presented to said City Council, and that said petitions were subscribed by the required number of owners, all as required by law.

Section 2. Said improvements shall be those specified in the Notice of hearing heretofore duly published, in the following streets and avenues in the City of Las Animas,

East-west curb and gutter as follows: Beginning at the NW corner of Block 140, thence east along the south side of Ninth Street to the NE corner of Block 150; beginning at the SW corner of Block 141, thence east along the north side of Tenth Street to the SE corner of Block 149; beginning at the NE corner of Block 161, thence east along the south side of Tenth Street to the NE corner of Block 151; beginning at the SW corner of Block 153, thence east along the north side of Eleventh Street to the SE corner of Block 154; beginning at the NE corner of Block 170, thence east along the south side of Eleventh Street to the NW corner of Block 176.

North-south curb and gutter as follows: Beginning at the NE corner of Block 140, thence south along the west side of Grove Avenue to the NE corner of Block 161; beginning at the NW corner of Block 141, thence south along the east side of Grove Avenue to the NW corner of Block 160; beginning at the NE corner of Block 141, thence south along the west side of Vine Avenue to the SE corner of Lot 19, Block 160; beginning at the NW corner of Block 142, thence south along the east side of Vine Avenue to the SW corner of Lot 9, Block 159; beginning at the NE corner of Block 142, thence south along the west side of Maple Avenue to the NE corner of Block 170; beginning at the NW corner of Block 143, thence south along the east side of Maple Avenue to the NW corner of Block 171; beginning at the NE corner of Block 143, thence south along the west side of Grand Avenue to the NE corner of Block 171; beginning at the NW corner of Block 144, thence south along the east side of Grand Avenue to the NW corner of Block 172; beginning at the NE corner of Block 144, thence south along the west side of Locust Avenue to the NE corner of Lot 31, Block 172; beginning at the NW corner of Block 145, thence south along the east side of Locust Avenue to the SW corner of Lot 20, Block 173; beginning at the NE corner of Block 145, thence south along the west side of Elm Avenue to the NE corner of Block 173; beginning at the NW corner of Block 146, thence south along the east side of Elm Avenue to the NW corner of Block 174; beginning at the NE corner of Block 146, thence south along the west side of Carson Avenue to the SE corner of Lot 31, Block 174; beginning at the NW corner of Block 147, thence south along the east side of Carson Avenue to the SW corner of Lot 20, Block 175; beginning at the NE corner of Block 147, thence south along the west side of Bent Avenue to the NE corner of Block 175; beginning at the NW corner of Block 148, thence south along the east side of Bent Avenue to the NW corner of Block 176.

Section 3. Said District shall be known as, and the same is hereby designated Las Animas Curb and Gutter Special Improvement District, Las Animas, Colorado.

Section 4. The construction of the curb, gutter and drainage improvements in and for said District, as shown by the plans, specifications and maps thereof, prepared by the City Engineer and approved by the City Council of said City, and now on file in the office of the Clerk of said City, be and the same is hereby authorized and ordered, the material to be used in the construction of said improvements to be in accordance with such maps, plans and specifications.

Section 5. By virtue of and in pursuance of the aforesaid law, local improvement bonds of the City shall be issued for the purpose of paying for the local improvements in this Ordinance described and provided to be constructed in said District, in an amount not to exceed the cost of said improvements, including engineering and all incidental expenses, as in said law provided.

Section 6. Said bonds shall bear the name of the district improved, shall be payable to bearer twelve (12) years from and after the date thereof, subject to call and prior payment as by law provided, shall be subscribed by the Mayor, countersigned by the City Treasurer, attested by the City Clerk under the seal of the City, and shall be payable out of the moneys collected on account of the assessments made for improvements. Said bonds shall be dated September 1, 1962, and shall bear interest at a rate or rates to be fixed by a Resolution of the City Council, not exceeding six per centum (6%) per annum, payable semi-annually, as evidenced by coupons to be attached to said bonds, attested by the facsimile signature of the City Clerk, shall be in the denomination of \$1,000 each and shall be numbered consecutively from one upward.

The principal of and interest on said bonds shall be payable at the office of the City Treasurer.

The City Treasurer shall make and preserve a record of all bonds issued hereunder in a suitable book kept for that purpose.

Section 7. Said improvement bonds shall be sold after Notice of Sale, as by law provided, to be published in four (4) consecutive weekly editions of the Bent County Democrat, a newspaper published and of general circulation in said City, and the City Clerk is hereby authorized to publish such Notice of Sale, which shall be in substantially the following form:

NOTICE OF BOND SALE CITY OF LAS ANIMAS, COLORADO LAS ANIMAS CURB AND GUTTER SPECIAL IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN, That the City of Las Animas, Colorado,

will receive sealed bids at the office of the City Clerk at the City Hall in Las Animas, Colorado until 5 o'clock p.m. August 28, 1962, for the purchase of City of Las Animas, Colorado, Curb and Gutter Special Improvement District Bonds, to be dated September 1, 1962, and due September 1, 1974, subject to prior redemption in numerical order at any time upon thirty (30) days published notice, at par and accrued interest.

The amount of bonds to be issued is estimated to be \$37,000.00.

Principal and semi-annual interest March 1 and September 1 will be payable at the office of the City Treasurer in Las Animas, Colorado, such interest to be evidenced by one set of coupons only.

Said bonds will bear interest at a rate or rates not exceeding 6% per annum and will not be sold at less than their par value. Each bid is required to specify the lowest rate, or rates, of interest and premium, if any, above par at which the purchaser will purchase said bonds, interest to be computed to the maturity of the bonds. Subject to the right of the City of Las Animas to reject any and all bids received, said bonds will be awarded on the bid representing the lowest net interest cost to the City. Said bonds will be payable from special assessments to be levied against properties within the District.

All bids must be unconditional and shall be accompanied by a certified check in the amount of \$1,000, payable to the City of Las Animas. Checks of unsuccessful bidders will be promptly returned. The good faith deposit will be credited to the purchaser at the time the delivery of bonds is made, and if the successful bidder shall fail or neglect to complete the purchase of said bonds in accordance with his bid, the amount of his deposit shall be held by the City as liquidated damages.

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The City of Las Animas reserves the privilege of waiving any irregularity or informality in any bid, and the right to deliver only such amount of said bonds as will provide funds sufficient to pay for the costs of the improvements and expenses incidental thereto, it being estimated that the amount of bonds to be issued will not be reduced by more than 10% of the estimated amount.

Delivery of the bonds will be made at the First National Bank of Las Animas, in Las Animas, Colorado, or elsewhere at the option and expense of the purchaser.

The City of Las Animas will furnish the printed bonds and the approving legal opinion of Messrs. Tallmadge & Tallmadge, Attorneys at Law, Denver, Colorado. If requested in the bid of the purchaser, a copy of said legal opinion may be printed on each bond at the expense of the purchaser.

DATED AND EXECUTED at Las Animas, Colorado this 9th day of July 1962.

VERA WYGLE,
City Clerk

(SEAL)

Section 8. Said bonds and the coupons thereto attached shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF COLORADO
COUNTY OF BENT
CITY OF LAS ANIMAS
LAS ANIMAS CURB AND GUTTER
SPECIAL IMPROVEMENT
DISTRICT BOND

No. \$1,000

The City of Las Animas, in the County of Bent and State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof the sum of

One Thousand Dollars
in lawful money of the United States of America, on the 1st day of September, 1974, subject to call and payment, however, at any time prior thereto, with interest thereon at the rate of per centum (.....%) per annum, payable semi-annually on the first day of March and the 1st day of September each year, principal and interest being payable at the office of the City Treasurer on presentation and surrender of the attached coupons and this Bond as they severally become due or are called for payment.

This Bond is issued for the purpose of paying the cost of curb, gutter and drainage improvements in Las Animas Curb and Gutter Special Improvement District, in the City of Las Animas, Colorado, by virtue of and in full conformity with Article 2, Chapter 89, Colorado Revised Statutes 1953, and an Ordinance of said City duly adopted, approved, published and made a law of said City prior to the issuance hereof.

This Bond is payable out of the proceeds of special assessments to be levied upon real estate situate in the City of Las Animas, Colorado, in said Curb and Gutter District, specially benefitted by said improvements, which assessments so

to be levied, with accrued interest, are by the said law made perpetual liens on said real estate in the respective amounts to be apportioned thereto and assessed by an ordinance of said City, subject, however, to the lien of general taxes.

It is hereby certified and recited that the total issue of bonds of said City for said District, including this Bond, does not exceed the amount authorized by law; that every requirement of law relating to the creation of said Curb and Gutter District, the making of said local improvements, and the issuance of this Bond has been fully complied with by the proper officers of said City, and that all conditions required to exist, and things required to be done precedent to and in the issue of this Bond to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

For the payment of this Bond and the interest thereon the City pledges all of its lawful corporate powers.

IN TESTIMONY WHEREOF, The City of Las Animas has caused this Bond to be subscribed by its Mayor, countersigned by the City Treasurer, attested by the City Clerk, under the seal of the City, and the interest coupons hereto attached to be signed with the facsimile of the signature of the City Clerk, as of the 1st day of September, 1962.

Mayor

COUNTERSIGNED:

(SEAL)

City Treasurer

ATTEST:

City Clerk
(Form of Coupon)

No. \$.....
On the 1st day of March and September, 19....., the City of Las Animas, Colorado, will pay to the bearer

DOLLARS

in lawful money of the United States of America, at the office of the City Treasurer, in Las Animas, Colorado, being six months' interest on its bond issue for the construction of local improvements in Las Animas Curb and Gutter Special Improvement District, Las Animas, Colorado, provided the Bond to which this coupon is attached shall not have been theretofore called for payment or paid. Attached to Bond dated September, 1962, bearing

No. (Facsimile Signature)

City Clerk

Section 9. The City Clerk is hereby authorized and directed to have printed such bonds as may be required to meet the actual cost of said improvements, as herein provided, and when said bonds are prepared, to issue the same as hereafter directed by the City Council. Assessments collected shall be promptly applied in the payment of bonds issued for said District and interest on such bonds.

Section 10. The City Clerk is hereby authorized to advertise for bids for the construction of said improvements in four consecutive weeks issues of the Bent County Democrat, a newspaper of general circulation published in such City, which advertisement may run concurrently with the publication of this Ordinance. Bids will be opened and subject to approval of the Council, a contract will be awarded on September 4, 1962, at 8:00 o'clock P.M., at the City Hall in said City.

Section 11. By reason of the fact that the completion at the earliest possible date of the improvements described in and contemplated by this Ordinance is necessary to the immediate preservation of the public safety, it is declared that an emergency exists and that this Ordinance shall take effect five (5) days after its final publication.

Section 12. All ordinances, or parts thereof, in conflict herewith are hereby repealed. This Ordinance, after its final passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and City Clerk, shall be published in said City, and after becoming effective, shall be irrevocable until the bonds of said District shall be paid in full.

INTRODUCED AND READ This 9th day of July, 1962.

A. F. COFFEY,
Mayor

(SEAL)

ATTEST:

VERA WYGLE,
City Clerk

ADOPTED AND APPROVED This sixth day of August, 1962.

A. F. COFFEY,
Mayor

(SEAL)

ATTEST:

VERA WYGLE,
City Clerk

Published in the Bent County Democrat August 10, 1962.